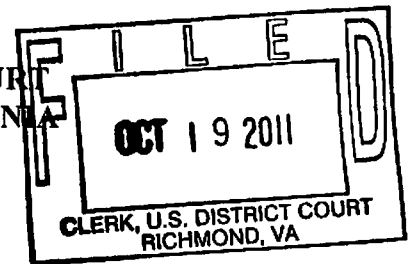


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



TYSON MARSHEK,

Plaintiff,

v.

Civil Action No. 3:11CV416

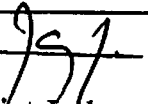
CABRILLO CREDIT UNION,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on July 22, 2011, the Court conditionally docketed Plaintiff's civil action. The Court subsequently discovered the Plaintiff had been released from incarceration. On August 31, 2011, the Court, in order to reassess Plaintiff's entitlement to *in forma pauperis* status, directed Plaintiff to complete and return within eleven (11) days the financial affidavit sent to him by the Clerk. The Court warned Plaintiff that failure to comply with this requirement would result in summary dismissal of the action. *See* Fed. R. Civ. P. 41(b). Plaintiff has not complied with the order of this Court. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant complaint. *See* 28 U.S.C. § 1914(a). Such actions demonstrate a wilful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

/s/ 
John A. Gibney, Jr.
United States District Judge

Date: 10/19/11
Richmond, Virginia